



Town Council Agenda Report

SUBJECT: Resolution

CONTACT PERSON/NUMBER: Mark Kutney, AICP, Development Services Director: 797-1101

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 85-48 FROM \$2280.00 IN AMOUNT TO \$857.39; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owners were cited for violations of former Town Code Section 8-1 (currently 13-17): Occupational license violation, Broward County Code Section 39-168 (currently Town Code Section 12-33(t): Nuisance conditions, and Broward County Code Section 39-257: Special district regulations regarding trailers. All violations in this case have been corrected and mitigation is now possible.

Final Order:	November 22, 1985
Non-Compliance Hearing:	February 6, 1986
Days of Non-Compliance:	76 Days
Fine/lien Imposed:	\$ 2,280.00
Mitigation amount:	\$ 857.39

PREVIOUS ACTIONS: Not Applicable

CONCURRENCES: The respondent agrees with the staff mitigation guidelines.

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution, Mitigation Request Summary

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 85-48 FROM \$2,280.00 IN AMOUNT TO \$ 857.39; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Paul Adams, Esq. on behalf of the estate of William J. Therrian, requested a mitigation of a Code Compliance lien from \$2,280.00 to \$ 857.39; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 8-1, 39-168, and 39-257 were corrected; and

WHEREAS, the Town of Davie Code Compliance Division staff suggested that based upon recommended mitigation guidelines, the mitigation of the original lien be from \$2,280.00 to \$ 857.39; and

WHEREAS, Paul Adams, Esq. on behalf of the estate of William J. Therrian, and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the certain Code Compliance lien arising out of Case 85-48 in the amount of \$2,280, against William J. Therrian, is hereby mitigated in amount to \$ 857.39.

SECTION 2. That this mitigated amount of \$ 857.39 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$ 857.39 not be paid within the specified time the lien shall revert to the original amount of \$2,280.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2000.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.

MITIGATION REQUEST SUMMARY

DATE: July 26, 2000

NAME: Paul Adams, Esq. on behalf of the estate of William J. Therrian

ADDRESS: 3500/3581 SW 36 Avenue, Davie, FL

CASE: 85-48

SUMMARY:

Date of Final Order:	November 22, 1985
Non-Compliance Hearing(s)	February 6, 1986
Fine/Lien(s) Imposed:	\$ 2,280.00

Original fine:	\$ 2,280.00
2.5% of amount	\$ 57.00
4% for correction of violation within 120 days (76 days)	\$ 91.20
Base costs to Town	<u>\$ 709.19</u>
Total	\$ 857.39

Department Guideline recommended mitigation amount:	\$ 857.39
Amount the respondent desires to pay:	\$ 857.39
Date respondent requested mitigation:	July 18, 2000
Date of Mitigation Hearing by Special Master:	N/A Direct to Council in agreement with Guidelines.

The property owners were cited for violations of former Town Code Section 8-1 (currently 13-17): Occupational license violation, Broward County Code Section 39-168 (currently Town Code Section 12-33(t): Nuisance conditions, and Broward County Code Section 39-257: Special district regulations regarding trailers. All violations in this case have been corrected and mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 857.39 should be considered and approved by the Town Council and the respondent(s) given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL